

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1796
Application No. 10/565,463
Paper Dated: January 30, 2009
In Reply to USPTO Correspondence of October 30, 2008
Attorney Docket No. 4385-060084

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims

Claims 1-22 (Cancelled).

Claim 23 (Currently Amended): A composite material produced by thermoplastic processing techniques with a proportion of wood and with a proportion of crosslinked plastics, the composition comprising from 55 to 90% by weight of wood and from 45 to 10% by weight of crosslinked plastics, where the proportion of wood has been dispersed in the form of particles in the crosslinked plastics, and the crosslinked plastics are mixtures comprising partially crosslinked ethylene-vinyl acetate copolymers whose vinyl acetate content is from 25 to 40% by weight and crosslinked melamine resin ethers in a mixing ratio of from 2:1 to 1:5.

Claim 24 (Previously Presented): The composite material as claimed in claim 23, wherein the proportion of wood is present in the form of wood flour, wood particles, wood granules, wood fibers, and/or wood shavings.

Claim 25 (Previously Presented): The composite material as claimed in claim 23, wherein the proportion of wood is in the form of mixtures composed of wood fibers and of wood shavings in a ratio of from 1:10 to 10:1 at from 65 to 80% by weight, and the proportion of crosslinked plastics is from 35 to 20% by weight.

Claim 26 (Cancelled).

Claim 27 (Previously Presented): The composite material as claimed in claim 23, further comprising from 3 to 10% by weight of flame retardant, from 0.1 to 2% by weight of pigments, from 0.1 to 5% by weight of stabilizers, and/or from 0.1 to 5% by weight of auxiliaries, in each case based on the entirety of wood and plastics.

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1796
Application No. 10/565,463
Paper Dated: January 30, 2009
In Reply to USPTO Correspondence of October 30, 2008
Attorney Docket No. 4385-060084

Claim 28 (Previously Presented): The composite material as claimed in claim 27, wherein the stabilizers are UV absorbers and/or free-radical scavengers.

Claim 29 (Previously Presented): The composite material as claimed in claim 27, wherein the auxiliaries are lubricants and/or release agents.

Claim 30 (Previously Presented): The composite material as claimed in claim 23, wherein the crosslinked melamine resin ethers and the partially crosslinked ethylene-vinyl acetate copolymers are present in foamed form.

Claim 31 (Previously Presented): The composite material as claimed in claim 23, wherein the composite material is present in the form of a sheet, profile, or injection molding.

Claim 32 (Previously Presented): The composite material as claimed in claim 23, wherein the crosslinked melamine resin ethers are crosslinked etherified melamine resin condensates which are free from hydroxymethyleneamino groups bonded to the triazine rings of the melamine resin condensate, and from $\text{-NH-CH}_2\text{-O-CH}_2\text{-NH-}$ groups linking triazine rings, and in which the non-crosslinked etherified melamine resin condensates have been effected via etherification of the hydroxymethylamino groups of the non-etherified melamine resin condensates via $\text{C}_1\text{-C}_{18}$ alcohols and/or via polyols of the type represented by diols, triols, and/or tetrols with molecular weights of from 62 to 20 000, and in which the non-crosslinked etherified melamine resin condensates have been hardened thermally and/or via acidifier.

Claim 33 (Previously Presented): The composite material as claimed in claim 23, wherein the crosslinked plastics further comprise partially crosslinked partially hydrolyzed ethylene-vinyl acetate copolymers, partially crosslinked thermoplastic polyurethanes, partially crosslinked high-molecular-weight aliphatic and/or aromatic-aliphatic polyethers, and/or partially crosslinked aliphatic and/or aromatic-aliphatic

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1796
Application No. 10/565,463
Paper Dated: January 30, 2009
In Reply to USPTO Correspondence of October 30, 2008
Attorney Docket No. 4385-060084

polyesters, preferably partially crosslinked polycaprolactones, and/or unsaturated polyesters.

Claim 34 (Withdrawn): A process for production of a composite material as claimed in claim 23, wherein the composite material is produced by an extruder process, where in a

a) first stage of the process in a first extruder segment a melt mixture composed of melamine resin ethers, wood, and, optionally, thermoplastics is prepared, the melt mixture is devolatilized after homogenization, and, in a second extruder segment, hardener, thermally decomposing free-radical generator, and/or blowing agent are fed into the melt mixture, and are homogenized in the melt mixture, where flame retardants, pigments, stabilizers, and/or auxiliaries are optionally fed in the first and/or second extruder segment, and in a

b) second stage of the process, the wood-containing melt mixture is either heated in a third extruder segment, discharged via a die with crosslinking and, optionally, foaming, and drawn off in the form of a semifinished product, or is discharged from the extruder, and pelletized, and the pellets in a

c) third stage of the process are processed in presses, extruders, or injection-molding machines with crosslinking and, optionally, foaming to give semifinished products or molded materials.

Claim 35 (Withdrawn): The process as claimed in claim 34, wherein the length of the extruders is from 30 to 60 D, the melt mixture in the first extruder segment is prepared at melt temperatures of from 110 to 170°C, the feed in the second extruder segment takes place at melt temperatures of from 100 to 150°C, the heating in the third extruder segment takes place of from 150 to 240°C, and the processing in the third stage of the process takes place at temperatures of from 150 to 240°C.

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1796
Application No. 10/565,463
Paper Dated: January 30, 2009
In Reply to USPTO Correspondence of October 30, 2008
Attorney Docket No. 4385-060084

Claim 36 (Withdrawn): The process as claimed in claim 34, wherein the melt mixture in the first stage of the process is prepared from melamine resin ethers whose weight-average molecular weight is from 1500 to 200 000 and whose molar melamine/formaldehyde ratio is from 1:1.5 to 1:4.

Claim 37 (Withdrawn): The process as claimed in claim 34, wherein, prior to the first stage of the process, wood is impregnated, in mixers, with solutions or dispersions of melamine resin condensates in water or mixtures composed of water and C₁-C₄ alcohols, and is dried, where the melamine resin condensates are etherified melamine resin condensates and/or are melamine resin condensates partially etherified with C₁-C₄ alcohols, the weight-average molecular weights of the condensates being from 150 to 50 000 and their molar melamine/formaldehyde ratio being from 1:1.5 to 1:4, and the melamine resin condensates comprise, optionally, up to 3% by weight of hardener, based on the melamine resin condensates, and then the melt mixture in the first stage of the process composed of the wood pre-impregnated with melamine resins and also of

melamine resin ethers or

thermoplastics or

mixtures composed of melamine resin ethers and thermoplastics is prepared.

Claim 38 (Withdrawn): The process as claimed in claim 37, wherein the solids content of the solutions or dispersions is from 20 to 80% by weight, the impregnation process takes place at from 80 to 120°C, the length of the extruders is from 30 to 60 D, the melt mixtures in the first extruder segment are prepared at melt temperatures of from 110 to 170°C, the feed in the second extruder segment takes place at melt temperatures of from 100 to 150°C, the heating in the third extruder segment takes place to temperatures of from 150 to 240°C, and the processing in the third stage of the process takes place at temperatures of from 150 to 240°C.

Claim 39 (Withdrawn): A process for production of a composite material as claimed in claim 23, wherein the composite material is produced by a sintering process where in a

a) first stage of the process, mixtures composed of

- 1) wood and of
- 2) plastics which are composed of
 - (i) melamine resin ethers or
 - (ii) mixtures composed of melamine resin ethers and of

thermoplastics, or

(iii) thermoplastics, are sintered in high-speed mixers, the sinter mixture is cooled, and, after cooling, hardeners, thermally decomposing free-radical generators, and/or blowing agents, flame retardants, pigments, stabilizers, and/or auxiliaries are applied to the sinter mixture in the drum mixer, and in a

b) second stage of the process, the sinter mixture comprising wood, and comprising melamine resin ethers and, optionally, comprising thermoplastics is processed in presses, in extruders, or in injection-molding machines, with crosslinking and, optionally, foaming, to give semifinished products or molded materials.

Claim 40 (Withdrawn): The process as claimed in claim 39, wherein the sintering process in the first stage of the process takes place in high-speed mixers with residence times of from 3 to 30 min and final temperatures of from 90 to 180°C, the process of cooling of the sinter mixture takes place to temperatures of from 50 to 120°C, and the processing of the sinter mixture in the second stage of the process takes place at temperatures of from 150 to 240°C.

Claim 41 (Withdrawn): The process as claimed in claim 34, wherein the wood used is in the form of wood flour, wood particles, wood granules, wood fibers, or wood shavings, and comprises from 3 to 10% by weight of sodium borate or sodium borate/boric acid mixtures in a ratio by weight of from 1:9 to 9:1.

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1796
Application No. 10/565,463
Paper Dated: January 30, 2009
In Reply to USPTO Correspondence of October 30, 2008
Attorney Docket No. 4385-060084

Claim 42 (Withdrawn): The process as claimed in claim 34, wherein the hardener used comprises:

- A) aliphatic C₄-C₁₈ carboxylic acids;
- B) aromatic C₇-C₁₈ carboxylic acids;
- C) acidifiers selected from the group consisting of blocked sulfonic acids, alkali metal salts, and ammonium salts of phosphoric acid;
- D) C₁-C₁₂ alkyl esters or C₂-C₈ hydroxyalkyl esters of (i) C₇-C₁₄ aromatic carboxylic acids or (ii) inorganic acids;
- E) salts of melamine or guanamine with C₁-C₁₈ aliphatic carboxylic acids;
- F) anhydrides, half-esters or half-amides of C₄-C₂₀ dicarboxylic acids;
- G) half-esters or half-amides of copolymers of (i) ethylenically unsaturated C₄-C₂₀ dicarboxylic anhydrides and (ii) ethylenically unsaturated monomers selected from the group consisting of C₂-C₂₀ olefins, C₈-C₂₀ vinyl aromatics, salts of C₁-C₁₂ alkylamines, and salts of C₁-C₁₂ alkanolamines, and combinations thereof,

wherein said salts of C₁-C₁₂ alkylamines and alkanolamines are with an acid selected from the group consisting of C₁-C₁₈ aliphatic carboxylic acids, C₇-C₁₄ aromatic carboxylic acids, alkylaromatic carboxylic acids, hydrochloric acid, sulfuric acid, phosphoric acid, and combinations thereof.

Claim 43 (Previously Presented): A window, door, cladding element, roof element, garden furniture, outdoor seat or playground comprised of the composite material of claim 23.

Claim 44 (New): A composite material comprising from 55% to 90% by weight of wood particles dispersed in 10% to 45% by weight of crosslinked plastic,

the crosslinked plastic comprising (1) partially crosslinked ethylene-vinyl acetate copolymer having a vinyl acetate content of from 25% to 40% by weight; and (2) melamine resin ether in a mixing ratio of 2:1 to 1:5,

wherein the composite material is prepared from a composition comprising:

- (a) wood particles;

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 1796

Application No. 10/565,463

Paper Dated: January 30, 2009

In Reply to USPTO Correspondence of October 30, 2008

Attorney Docket No. 4385-060084

- (b) ethylene vinyl acetate copolymer;
- (c) crosslinking agent; and
- (d) melamine resin ether.